

RECEIVED

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA

DAVID ALLEN #150121  
Full name and prison number  
of plaintiff(s)

v.

WARDEN III Gwendolyn  
Mosler,  
CAPTAIN JEFFERY KNOX

Name of person(s) who violated  
your constitutional rights.  
(List the names of all the  
persons.)

CIVIL ACTION NO. 2:06cv1020-T  
(To be supplied by Clerk of  
U.S. District Court)

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES ( ) NO (✓)
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES ( ) NO (✓)
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket number \_\_\_\_\_
4. Name of judge to whom case was assigned \_\_\_\_\_
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
6. Approximate date of filing lawsuit \_\_\_\_\_
7. Approximate date of disposition \_\_\_\_\_

II. PLACE OF PRESENT CONFINEMENT Easterling Corr. Fac.  
Clid. Alabama

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED Easterling  
Corr. Fac. Clid. Alabama

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME	ADDRESS
1. <u>Gwendolyn Mosley, Warden</u>	
2. <u>Capt. KAOX</u>	
3. _____	<u>Easterling Corr. Fac.</u>
4. _____	<u>200 Wallace Drive</u>
5. _____	<u>Clid. Ala. 36017</u>
6. _____	

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED Nov. 7, 2006

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: Plaintiff's rights were violated when  
Capt. KAOX along with several other officers  
repeatedly beat me and kicked me in my head,  
neck, ribs, and back. 2

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

At 9:35 A.M. inside 9-B dorm here at Easterling  
A riot squad was conducting a major shake down  
wherein I was asked by Capt. Knox who I have not  
shaven. When I tried to explain myself to him  
Capt. Knox told me to remove my hands from my pockets.

~~GROUND TWO:~~ So I did. That's when Capt Knox said "Don't  
look at me crazy" You son of a bitch and shut your

~~SUPPORTING FACTS:~~ Mouth!" and grabbed me around my neck  
with his hands and rammed my head into the door and shoved  
me to the floor and began beating my head into the floor  
over and over. then he hit me in my left eye with his fist,  
then two more riot team members joined in with Capt Knox  
and commenced to beating me and stamping me in my

~~GROUND THREE:~~ left side with their feet and sticks.

My left eye and the left side of my head is badly

~~SUPPORTING FACTS:~~ swollen and my left rib cage is badly swollen  
and is hurting very bad. My right ear had to be  
sewn up because Capt Knox and the others busted  
it and split it open. I done nothing to  
deserve this. I AM 50 years old I can't take  
this kind of abuse and treatment. I AM AFRAID

for my life. I am afraid they will try to beat  
me again. Please help. At all times. Each defendant  
acted under color of state law.

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.  
MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

I request to have them prosecuted for what they  
done to me. And I want to sue them in their OFFICIAL and  
individual CAPACITIES for COMPENSATORY and Punitive DAMAGES.

Lincoln David Allen  
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true  
and correct.

EXECUTED on 11-9-2006  
(Date)

Lincoln David Allen  
Signature of plaintiff(s)

David Allen #150171  
Easterling Corr. FAC.  
200 WALLACE Drive  
Clid. AL. 36017

This is just to notify the Court  
that Pursuant to the State of Alabama Dept.  
of Corrections. Administrative Regulation  
Number #403, Section (2) nine, that: The inmate  
may not appeal the final judgement or actions by the  
Warden or her designee's.

The State of Alabama does  
not have a "Grievance System" for the Plaintiff to  
appeal to. Therefore he is filing the instant complaint.

11-9-2006

Date

Lincoln David Allen #150171  
Plaintiff's name #AIS.

"exhibit A"

## Plaintiff's Statement

David Allen #150171  
Easterling Corr. FAC.  
200 WALLACE Drive  
Clid. Ala. 36017

2:06 CV 1020 - MHT

On November 7, 2006, 9:35 A.M. in 9B-dorm here at Easterling Prison, Capt. Jeffery Knox and other members of the riot team came to our dorm for a Shakedown. Well, I was the last one standing in line, After we were sent from the Gym back to my dorm. Capt. Jeffery Knox was standing to my right side of me where I was standing in line behind my bunk mate Moses who slept on bed 43 over me I slept on 44 bottom. I spoke to Capt. Knox when I step in the dorm and he said hey then he said why haven't you shaved. I said they haven't had any razor blades in the dorm in the last 5 days. And I even tried to get one from the shift office at breakfast time but they didn't have any but Lt. Lee finally got some sent but we didn't have time to shave cause we were told to leave the dorm before she lock us up. That's why I haven't shaved. Then Capt. Knox told me to take my hands out of my pockets I did as he asked me to then he said to me don't look at me like that crazy. I said Capt. Im not doing anything to you. Then he said son of a bitch

Shut your damn mouth and grabbed me under my neck and push my head into the door out the door onto the lobby floor outside the dorm. I fell down he still had hold of my neck. Then he started pulling me up and down beat my head and face against the floor he hit me in my left eye with his fist then two more riot team members jumped down on top of me with him one stomped me in my left side with his foot. my left side and the left side of my head is swollen up. my rib cage under my left arm swollen up and aching and hurts real badly. my right ear behind it got splitted open and it's been sewn up. All this happen to me by Capt. Jeffery Knox. — Officer Drakes and another officer took me to the H.C. U. (ie. Health Care Unit) where nurse ms. Bush L.P.N. did a body chart on me and they putted me in the cell there inside H.C.U. until about two (2) hours then Sgt. Woods came and let me out of the cell with officer ms. Anthony who was the officer working the H.C.U. unit. To be ~~sent~~<sup>seen</sup> by the doctor and he examined me and sewed up my ear. Then Sgt. Woods and Officer McKinnon brought me over this sec unit placed me here in 5B-4 cell.

I declare under Penalty of Perjury that the foregoing is true and correct. Executed on 11-9-2006.

Lincoln David Allen #150171

Plaintiff's name # AIS.



On the day of Nov 1 2006 Around 1:25 PM I was in my dorm room. Captain Jeffery Knox ~~Jumped on Me~~ ~~Grabbed Me Under My Neck~~ And Other Members of the ~~Foot~~ Riot team Came to Our dorm for Shake down. Well I Was The Last One Standing in Line After We Were Sent from gym to My dorm. Captain Jeffery Knox Was Standing to My Right Side of Me Where I Was Standing in Line behind My Bunk Mate Moses who Slept on Bed 43 Over Me I Slept on 44 bottom. ~~Captain Knox~~ I Spoke to Captain Knox When I Step in the door. And he Said hey then he Said Why haven't you Shaved. I Said they haven't had any Razor blades in the dorm in the last past 5 days. And I Even Tried to get ~~Some~~ One from the Shift Office at breacktime. but they didn't have any but Lt Lee finally got some sent but we didn't have time to shave cause we were told to leave the dorm before she lock us up. That's why I haven't Shaved. Then Captain Knox told Me to take My hands out of My pockets I did as he asked Me to then he Said to Me don't look at Me like that Crazy. I Said Captain I'am Not doing any thing. to you. Then he Said Son of a bitch Shut your damn Mouth And Grabbed Me ~~Up~~ Under My Neck And push My ~~Into the door~~ head Into the door Out the door Onto the lobby floor Outside the dorm. I fell down he Still had hold of My Neck. Then he Started Pulling Me Up And down beat My head And face Against the floor ~~Two~~ he hit Me In My Left Eye With his fist Then two more Riot team Members Jumped down on top of Me with him one Stomped Me In My Left Side With his foot. My Left Eye And the Left Side of My head is Swollen Up. My Rib Cage Under My Left Arm Swollen Up And Aches And hurts ~~to~~ real badly. ~~My Left~~ My Right Ear behind it got Splitted Open And its been Sowed Up. all this happen



To me by Captain Jeffery Korb. The Officer Drakes and another ~~Officer~~ Officer took me to the H.C.U. where Ms. Bush LPM. did a body chart on me and they putted me in the cell there inside H.C.U. ~~to~~ ~~until~~ until about two hours then Sgt Woods came and let me out of the cell with Officer Ms Anthony who was the Officer working the H.C.U. Unit. To be seen by the doctor. And he examined me and soaked up my ~~to~~ ~~ear~~ ear. Then Sgt Woods and Officer McKinney brought me over to this Seg Unit placed me here in JB-4-cell.

11-9-06

DATE

Lincoln David Allen #150171

David Allen #150171

"Exhibit B"

In The United States District Court For  
The Middle District Of Alabama.

David Allen #150171

Plaintiff

VS.

Warden III Gwendolyn Mosley et al.

Defendants

Declaration

Moses Jackson

Civil Action No.

2:06CV1020-MHT

Plaintiff is not actually able at this time to get in contact with Mr. Moses Jackson, A.S.# UNKNOWN, due to his current status and confinement in lock-up. Therefore, Plaintiff makes the following statement in absentia of said declarant and believes that if Mr. Moses Jackson could make a statement in Plaintiff's behalf that the following would be correct; UPON information and belief:

My name is Moses Jackson and I hereby declare that: On November 7, 2006, 9:35 am. in 9B-dorm, here at Easterling Prison, Clid. Alabama. that Capt. Knox along with several other riot team members or officers did attack and assault David Allen #150171 and cause him to sustain head and body injuries, and that David Allen was attacked and assaulted by the above mentioned names, "maliciously and sadistically,"

and not in a good faith effort to maintain or restore order or discipline. The officers did use excessive force and meant to cause David Allen harm rather than keep order.

I have read the foregoing declaration and hereby verify the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Clid, Alabama on 11-9-2006  
Date

Lincoln David Allen #150171  
Plaintiff's name # AIS.

"exhibit D"

In The United States District Court For The  
Middle District Of Alabama, Northern Division

David Allen #150171

Plaintiff

VS.

DeclarationReginald Moore #169035

OF

Warden III Gwendolen Mosley et al.

Defendant(s)

Civil Action No.2:06 CV 1020-MHT

MY NAME is REGINALD MOORE #169035. AND I AM OVER THE AGE OF (21) TWENTY-ONE YEARS. I MAKE THIS STATEMENT OF MY OWN FREE WILL WITHOUT THREATS OR COERCION FROM ANYONE. IT IS TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF THAT DAVID WAS BEATEN UP BY THE RIOT TEAM MEMBERS HERE AT EASTERLING ON 11-7-06. — I AM AN INMATE HERE AT EASTERLING PRISON, CLIO, ALABAMA AND I AM CURRENTLY BEING HOUSED IN THE ADMINISTRATIVE SEGREGATION UNIT, I.E., LOCK-UP, 5B-4-CELL. ON 11-7-06, APPROXIMATELY 1:40 P.M. ON FIRST SHIFT, INMATE DAVID ALLEN #150171 WAS PLACED IN THE CELL WITH ME, THATS WHEN I NOTICED THAT HE HAD APPARENTLY BEEN INTO SOME KIND OF AN PHYSICAL ALTERCATION, I.E., HIS LEFT EYE AND THE LEFT SIDE OF HIS FACE AND HEAD WERE BADLY SWOLLEN UP. I ALSO NOTICED THAT HE HAD A BANDAGE BEHIND HIS RIGHT EAR. WHEN I ASK HIM WHAT HAD HAPPENED TO HIM HE TOLD ME THAT HE HAD BEEN BEATEN BY THE "RIOT SQUAD MEMBERS" IN 9B-DORM

Since then, David has been complaining about his head hurting, having dizzy spells, feeling nauseated and he has vomited several times, for which I believe, is a direct result of said injuries. David has repeatedly signed up for "sick call" in order to see someone about his suffering and pain, it is highly noticeable and obvious that David is hurting. Also, I cannot testify as to what or how David got these injuries because I am not a physical witness.

Nevertheless, based upon my experience of "doing time" I tend to believe that what he said happened to him, did in fact happen to him, i.e. that he was beaten by the riot squad members on 11-7-06, here at Easterling Prison, Clid. Ala. in 9B-dorm around 9:35 A.M. Lastly, I can testify as to the riot squad members being present on same said day of David's infraction, because I witnessed them in 5B-Dorm where I am housed in lock-up on 11-7-06 at around noonday. I truly hope that this Honorable Court takes the aforementioned into consideration and grant David Allen any and all relief he may seek.

I declare under Penalty of Perjury that the foregoing is true and correct.

Executed at Easterling Corr. Fac. D.O.C. ALABAMA on this  
 day 11-12-2006.  
 Date -

Full Name Reginald Moore AIS# 169035

"Exhibit E"

In The United States District Court For The  
Middle District of Alabama, Northern Division.

David Allen #150171

Plaintiff

vs.

DeclarationLawrence Billingsley #152608

OF

Warden III Gwendolyn Mosley et al.

Defendants

Civil Action No.2:06CV 1020-MHT

MY name is Lawrence Billingsley 152608, and I AM  
over the age of (21) twenty-one years. I make this statement  
of my own free will without threats or coercion from anyone.  
It is to the best of my knowledge, information and belief  
that David was beaten up by the riot team members here  
at Easterling on 11-7-06. I AM an inmate here  
at Easterling Prison, Clid. Alabama and I AM currently being  
housed in the Administrative Segregation Unit, i.e., Lock-  
up, 5B-4 cell. ON 11-7-06, APPROXIMATELY 1:40 PM. on first  
shift, inmate David Allen #150171 WAS PLACED in the cell  
with me and Reginald Moore #169035. That's when I  
noticed that he had APPARENTLY been into some kind of an  
Physical Altercation, i.e., his left eye and the left side of  
his face and head were badly swollen up. I also noticed that  
he had a bandage behind his right ear. When I ask him  
what had happened to him he told me that he had been



beaten by the "riot squad members" in 9B-dorm. Since then, David has been complaining about his head hurting, having dizzy spells, feeling nauseated and he has vomited several times. For which I believe, is a direct result of said injuries. David has repeatedly signed up for "Sick Call" in order to see someone about his suffering and pain. It is highly noticable and obvious that David is hurting. Also, I cannot testify as to what or how David got these injuries because I am not a physical witness. Nevertheless, based upon my experience of "doing time" I tend to believe that what he said happened to him, did in fact happen to him, i.e., that he was beaten by the riot squad members on 11-7-06. here at Easterling Prison, Clib, Alabama, in 9B-dorm around 9:35 AM. Lastly, I can testify as to the riot squad members being present on same said date of David's infraction because I witnessed them in 5B-Dorm where I am housed in lock-up on 11-7-06. Around noonday. I truly that this Honorable Court will take the aforementioned into consideration and grant David Allen any and all relief he may seek.

I declare under Penalty of Perjury that the foregoing is true and correct.

Executed at Easterling Corr. Fac., D.D.C. ALA. on this  
day 11-12-2006

Date

Full name Lawrence Billingsley AT# 52608

Davis Allen

v. 2:06cv1020-MHT

Gwendolyn Mosley et al

Plaintiff's Exhibit C to Inmate 1983 Complaint stricken  
from the record and returned to the plaintiff pursuant to  
order entered on 3/8/07.